

ARKANSAS SENATE
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of Senate Bill No. 1138

TO REGULATE PHARMACY BENEFITS MANAGERS' MAINTENANCE AND USE OF MAXIMUM
ALLOWABLE COST LISTS FOR PRESCRIPTION DRUGS.

Amendment No. 1 to Senate Bill No. 1138

Amend Senate Bill No. 1138 as originally introduced:

Page 1, line 25, delete "generic"

AND

Page 2, delete lines 2 and 3 and substitute the following:
"provided as a part of the practice of pharmacy in Arkansas."

AND

Page 2, line 5, delete "generic"

AND

Page 2, delete line 6, and substitute the following:
"(1) Shall be listed as therapeutically equivalent and
pharmaceutically equivalent "A" or "B""

AND

Page 2, delete line 8 and substitute the following:
"of the "Orange Book" or "Green Book" or has an NR or NA rating by Medispan
or a similar rating by a nationally recognized reference;"

AND

Page 2, line 10, delete "wholesalers" and substitute "wholesalers operating
in Arkansas"

AND

Page 2, delete line 11 and substitute the following:
"(3) Shall not be obsolete."



AND

Page 2, line 14, delete "pharmacy and pharmacist" and substitute "pharmacy"

AND

Page 2, delete lines 15 through 18 and substitute the following:

"(2) Update its Maximum Allowable Cost List on a timely basis,"

AND

Page 2, delete line 22 and substitute the following:

"(3) Provide a process for each pharmacy subject to the Maximum"

AND

Page 2, line 23, delete "with prompt" and substitute "to receive prompt"

AND

Page 2, delete line 25 and substitute the following:

"(4)(A) Within three (3) business days after the applicable fill"

AND

Page 2, line 27, delete "pharmacies and pharmacists" and substitute "pharmacies"

AND

Page 2, delete line 28 and substitute the following:

"specific drug or drugs as:

(i) Not meeting the requirements of this section; or

(ii) Being below the cost at which the pharmacy may

obtain the drug."

AND

Page 2, delete line 30 and substitute the following:

"challenge under subdivision (c)(4)(A)(i) of this section within seven (7)"

AND

Page 2, line 32 through 34, and substitute the following:

"(C) If a challenge is under subdivision (c)(4)(A)(i) of this section, the pharmacy benefits manager shall within seven (7) business days after receipt of the challenge"

AND

Page 3, delete lines 2 and 3 and substitute the following:
"cost;"

AND

Page 3, delete line 7 and substitute the following:
"(c)(4)(C)(i)(a) of this section effective for each similarly situated pharmacy as defined by the payor"

AND

Page 3, delete lines 9 through 24 and substitute the following:
"(ii) If the appeal is denied, provide the challenging pharmacy or pharmacist the National Drug Code number from national or regional wholesalers operating in Arkansas.
(d) This section does not apply to a Maximum Allowable Cost List"

AND

Page 3, line 26, delete "(g)" and substitute "(e)"

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Caldwell

MGF/CWW - 03-26-2013 16:23:34

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Secretary